



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, DECEMBER 6, 2007
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. CALL TO ORDER

Chairperson Hughes called the regular meeting to order at 6:13 p.m.

Commission members present: Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Ralph Davila, Mr. Robert Horton, Mr. Art Hughes (Chairperson), Mr. Michael Parks and Mr. Don Maxwell (Parliamentarian).

Commission members absent: Mr. Michael Beckendorf and Mr. G.H. Jones.

Staff members present: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. Martin Zimmermann, Senior Planner; Ms. Julie Fulgham, Staff Planner; Mr. Randy Haynes, Staff Planner; Ms. Janis Hampton, Interim City Attorney; and Mr. Rodney Schmidt, Planning Intern.

2. HEAR CITIZENS

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

No affidavits were filed.

4. CONSENT AGENDA

A. Minutes from the joint workshop meeting with the City of College Station Planning and Zoning Commission on October 31, 2007.

B. Minutes from the workshop and regular meetings on November 15, 2007.

C. Final Plat FP07-29 - M. Zimmermann

Proposed Vacating and Final Plat of Briar Meadows Creek Subdivision – Phase 1, being 5.92 (4.697) acres of land generally located between Broadmoor and Red River Drives in Bryan, Brazos County, Texas.

D. Final Plat FP07-31 – M. Zimmermann

Proposed Final Plat of Briar Meadows Creek Subdivision – Phase 2, being 7.51 acres of land extending between Broadmoor and Red River Drives in Bryan, Brazos County, Texas.

Commissioner Maxwell moved to approve the Consent Agenda. Commissioner Bond seconded the motion.

Chairperson Hughes asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF REZONING – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes recommendation; City Council has final approval.)

5. Rezoning RZ07-42 – R. Haynes

A request to change the zoning classification from Residential District – 5000 (RD-5) to Retail District (C-2) on property located at 1414 Groesbeck Street, being Lots 27, 28 and 31 thru 34 in the Coulter Addition in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the applicant is requesting to rezone a parcel of land located in the 1400 block of Groesbeck Street from Residential District-5000 (RD-5) to Retail District (C-2). This tract is currently occupied by a single family residence and a restaurant. The applicant is in the process of expanding the restaurant building on this tract. The restaurant building is currently a legally non-conforming use in the RD-5 zoning district and thus may not be expanded. Changing the zoning to C-2 will allow the restaurant to expand the size of the building. Staff recommends denying this request because rezoning to C-2 for only one mid block tract should be avoided whenever possible. However, staff believes that C-2 zoning for this property could be appropriate if the surrounding area was also zoned C-2. To best utilize the area and to avoid a conflict in use, staff finds that the property from the subject tract west to Palasota Street should be rezoned to C-2.

Commissioner Clark asked if there is a penalty for expanding a non-conforming use. Mr. Haynes stated that if caught, the price of a building permit increases five fold.

Commissioner Parks asked if the existing parking lot can handle the new structure. Mr. Haynes stated that it could.

Commissioner Parks asked if city staff can request rezonings. Mr. Haynes stated that it can.

Commissioner Davila asked if the structure could be allowed to go back to its previous use as a beer joint. Mr. Haynes stated that if the non-conforming addition was removed it could.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Parks moved to deny Rezoning RZ07-42, accepting the findings of staff. Commissioner Horton seconded the motion.

Chairperson Hughes asked if there was any discussion.

Commissioner Clark stated that if the request is denied, the Commission should consider rezoning the land from the applicant's property to Palasota Street to C-2.

Commissioner Parks concurred with Commissioner Clark's suggestion.

Commissioner Davila concurred with Commissioner Clark's suggestion.

Commissioner Bond asked if the property could remain a residence even if it were rezoned. Ms. Lindsey Guindi stated that it could.

Commissioner Parks urged the applicant to work with city staff to resolve this issue.

The motion passed with a unanimous vote.

6. Rezoning RZ07-44 – J. Fulgham

A request to change the zoning classification from Residential District – 5000 (RD-5) to Downtown – North District (DT-N) on property located at 300 West 24th Street, being Lots 3 thru 5 in Block 142 of the Bryan Original Townsite in Bryan, Brazos County, Texas

Ms. Julie Fulgham, Staff Planner, presented a combined staff report for RZ07-44 and RZ07-45 (on file in the Development Services Department). Ms. Fulgham stated that the applicant is requesting to rezone the property located at 300 West 24th Street. At the time this application was made, Planning Services staff decided a comprehensive rezoning approach was needed in this area. Therefore, staff has initiated a city-sponsored zone change in conjunction with the zone change request for 300 West 24th Street from a Residential District-5000 to the Downtown-North District, intended for mixed-use development. The residential uses currently allowed on these properties will still be allowed if this up-zoning is approved. Staff recommends approving these requests because it feels that they will promote a sustainable mix of land uses, redevelopment, infill, and mixed-use development.

Commissioner Maxwell asked if the city anticipates more development in the North Downtown district. Ms. Fulgham stated that there is great potential for development.

Commissioner Davila asked why the applicant is requesting the rezoning. Ms. Fulgham stated that the applicant wants to open a real estate office on the property which is not currently allowed.

Commissioner Davila asked what effects this rezoning would have on parking. Ms. Fulgham stated that all parking issues are handled during the site review process.

Commissioner Clark asked what the parking requirements are in Downtown North. Ms. Fulgham stated that there are currently no requirements. She also said that this issue was going to be addressed in the Zoning Ordinance rewrite currently underway.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Bond moved to recommend approval of Rezoning RZ07-44, as requested, accepting the findings of staff. Commissioner Maxwell seconded the motion.

Chairperson Hughes asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

7. Rezoning RZ07-45 – J. Fulgham

A city-initiated request to change the zoning classification from Residential District – 5000 (RD-5) to Downtown – North District (DT-N) on Lots 1, 2 and 6 thru 10 in Block 142 as well as Lots 6 thru 9 in Block 121 of the Bryan Original Townsite in Bryan, Brazos County, Texas.

The public hearing was opened.

Mr. Gil Dylla, 3403 South College, Bryan, Texas came forward and asked how the rezoning would affect his property. Mr. Fulgham stated that his existing use would still be allowed even if it is rezoned.

The public hearing was closed.

Commissioner Bond moved to recommend approval of Rezoning RZ07-45, as requested, accepting the findings of staff. Commissioner Horton seconded the motion.

Chairperson Hughes asked if there was any discussion.

Commissioner Clark stated that a potential down side of this rezoning could be a parking issue for the downtown area.

Commissioner Davila stated that the parking issues will likely be worked out in the future.

Commissioner Bond stated that the rezoning is a good way of incrementally improving downtown.

The motion passed with a unanimous vote.

REQUEST FOR ANNEXATION OF PROPERTY (Commission makes recommendation; City Council has final approval.)

8. ANNEX07-05 – J. Fulgham

A request to annex 121.8 acres of land out of Stephen F. Austin League No. 9, Abstract No. 62 and the Hezekiah Jones Survey, Abstract No. 145, lying adjacent and contiguous to the present corporate limits of the City of Bryan near the intersection of F.M. 2818 (Harvey Mitchell Parkway) and F.M. 1687 (Sandy Point Road) in Brazos County, Texas.

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). Ms. Fulgham stated that at the City of Bryan City Council meeting on November 27, 2007, Council voted to accept a petition seeking annexation of approximately 121 acres of land out of Stephen F. Austin League No. 9, Abstract No. 62 and the Hezekiah Jones Survey, Abstract No. 145 in Brazos County, Texas, lying adjacent and contiguous to the present corporate limits of the City of Bryan near the intersection of FM2818 (Harvey Mitchell Parkway) and FM1687 (Sandy Point Road), in Bryan's northwestern extraterritorial jurisdiction (ETJ).

The *City of Bryan Code of Ordinances* requires the Planning and Zoning Commission to review and make recommendations to the City Council concerning annexations. Staff recommends approving proposed annexation of these 121 acres. Staff contends that approving the annexation of this acreage will help promote orderly urban growth and development, minimizing the possibility of awkward and expensive urban sprawl.

Ms. Fulgham added that the property owners have requested that upon annexation all 121 acres be zoned in a Planned Development District, with the primary use being residential. A formal rezoning request will be presented to the Commission at a later date.

Commissioner Clark asked if other land owners near the potential annexation have been notified. Ms. Fulgham stated they have not.

Commissioner Parks asked if the annexation is consistent with the discussions held at the recent joint workshop meeting with the Bryan City Council. Ms. Fulgham stated that it does meet the criteria discussed at the meeting.

Commissioner Parks asked if the land use of the annexation fit with the future land use map. Ms. Fulgham stated that the annexation is in line with the concepts of the Comprehensive Plan.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Parks moved to recommend approval of the requested annexation, accepting the findings of staff. Commissioner Davila seconded the motion.

Chairperson Hughes asked if there was any discussion.

Commissioner Parks commented that the annexation will likely help to promote orderly growth of the city.

The motion passed with a unanimous vote.

9. ADJOURN

Without objection, Chairperson Hughes adjourned the regular meeting at 7:02 p.m.

These minutes were reviewed and approved by the City of Bryan Planning and Zoning Commission on this the 3rd day of **January, 2008.**

_____, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission